

**BEFORE THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE ON RAILROADS, PIPELINES AND HAZARDOUS MATERIALS
U.S. HOUSE OF REPRESENTATIVES**



NATIONAL ASSOCIATION OF PIPELINE SAFETY REPRESENTATIVES

**TESTIMONY OF MASSOUD TAHAMTANI
DIRECTOR, DIVISION OF UTILITY AND RAILROAD SAFETY
VIRGINIA STATE CORPORATION COMMISSION**

**Tyler Building
1300 East Main Street, 4th Floor
Richmond, Virginia 23219
804-371-9264**

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Introduction

Chairwoman Brown, Ranking Member Shuster, members of the Committee, thank you for the opportunity to discuss our role in support of education and public awareness as related to reauthorization of the pipeline safety law. This law contains necessary protections that our nation depends on to maintain safety in its energy pipeline network. I am pleased to testify on behalf of the National Association of Pipeline Safety Representatives (NAPSR) and in support of our member states' efforts, as well as in support of the partnership with the Secretary of Transportation to fulfill the mandates of the Pipeline Safety Act.

The States and Pipeline Safety

States act as certified agents for implementing, ensuring and enforcing federal safety regulations, working in partnership with the Secretary.

State pipeline safety personnel represent more than 80 percent of the state/federal inspection workforce. State inspectors are the "first line of defense" at the community level to promote pipeline safety, underground utility damage prevention, education and public awareness regarding gaseous and liquid fuel pipelines.

Enhancing Pipeline Safety

Ever since the Pipeline Safety Act was signed into law in 1968 and now, since the passage of the last reauthorization via the PIPES Act in 2006, states have been working with in partnership with the Secretary in fulfilling the mandates of the resulting law. This is being accomplished in a two-pronged approach: (1) on mandates that are simple to carry out,

processes are put in place that can yield immediate safety benefits (e.g., increased levels of enforcement); and (2) on multi-faceted mandates (e.g. public education and awareness), states work with the federal government, and where appropriate, with private stakeholders, to concentrate on developing practical, effective and affordable solutions to implement the various aspects of such mandates. Although such efforts take more time, the result is a carefully crafted, sensible approach that is more likely to achieve the intent of the legislative mandate.

Essential to the federal-state partnership in this area are the pipeline safety program managers in each of 52 state agencies which are members of NAPSR. In addition to their intensive inspection oversight work schedules, many take extra time to address areas of concern in meeting the existing challenges of new initiatives and proposals for recommended improvements to pipeline safety. NAPSR currently has members on 29 task groups, with representatives from 33 states working with the DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) on key safety elements of the pipeline safety program. One of these task groups is the PHMSA-sponsored Public Awareness Programs (PAP) Ad Hoc Task Group made up of government personnel only. With their knowledge and experience about conditions in their states, NAPSR members provide unique and valuable expertise to this task group. The group is charged with the duty to develop documents for use by state inspectors in verifying the operators' compliance with the PAP requirements in the pipeline safety code in USC 49, Part 192 which was amended following passage of the PIPES Act in 2006. The focus is to develop consistent inspection requirements that will be understood by all affected stakeholders and to be able to develop a way to assess the effectiveness of the PAP rule on a nationwide basis.

The perspective of NAPSR in the remainder of this testimony mainly addresses pipeline systems and operators under state jurisdiction. The responsibility for state pipeline safety programs is carried out by approximately 325 qualified engineers and inspectors in the lower 48 states, District of Columbia and Puerto Rico. Recent statistics indicate that states are responsible for pipeline safety covering over 92% of 1.9 million miles of gas distribution piping in the nation, 29% of 300,000 miles of gas transmission and 32% of 166,000 miles of hazardous liquid pipelines. State personnel in 11 states also act as "interstate agents", inspecting interstate gas and liquids pipelines that would otherwise be inspected by PHMSA. In their role as inspectors, state pipeline safety personnel interact with a variety of population densities

and population segments which make up the target audiences that are potentially affected by the pipelines of an estimated 3,000 operators subject to the requirements of the PAP regulation.

What Has Been Done to Date

To date states have been engaged in two distinct efforts: (1) Education of the public about gas and hazardous liquids pipelines and how to prevent excavation damage, and (2) Inspection of operators' PAP plans and results, as well as continuing to work with PHMSA in developing inspection protocols for in-depth review of operator education and public awareness programs, so that overall an assessment can be made of the effectiveness of such programs.

With the first effort, given that excavation damage is the number-one cause of pipeline incidents, states have been very active in educating those who excavate near buried facilities in their state. This has been made possible by the federal One-Call Grant Program and by the State Damage Prevention Program Grant which are awarded yearly to qualifying states. With the aid of such grants, state pipeline safety programs have also been in the forefront of promoting the 811 nationwide number to be called before any excavation. For example, during April 2010, designated as National Safe Digging Month, 40 states took actions to highlight the need to call 811 before beginning an excavation. Such action included proclamations by State governors, press releases or public service announcements.

In my own State of Virginia, we routinely sponsor public service announcements about excavation damage prevention and offer a mandatory educational program as an alternative for certain violators of the State's excavation damage prevention statute. In addition, we annually distribute hundreds of thousands of educational materials ranging from coloring books for young Virginians, to safe digging manuals for professional excavators.

Many states have regional damage prevention councils where state pipeline safety personnel participate in promoting damage prevention education and awareness.

Regarding inspections of PAP programs and results, thus far, states have primarily concentrated on determining the adequacy of these programs. In order to evaluate the effectiveness of these programs, added work by the States and PHMSA is under way.

What Remains to Be Done

NAPSR is working with PHMSA by way of the PAP Ad Hoc Task Group to develop an inspection form and associated guidance for use by inspectors to verify if a pipeline operator's PAP is effective in conveying the appropriate messages to the target audiences. Given the subject matter, with abstract concepts and subjective features, one of the challenges facing the group is the ability to stiffen or freeze the subjective features and qualifiers into a set of clear requirements understood by everyone affected by them, without ambiguity.

Further, the inspection process cannot be so complex or so protracted that it will impose an inordinate burden on the inspector to arrive at his/her findings. This aspect must be considered, since normally an inspection process of a pipeline system operator entails verifying numerous components of pipeline safety, of which the PAP is just one component. In other words, the practical aspects of an inspection must be considered when crafting an inspection protocol for state programs to carry out with the resources they have at hand.

The challenging issues to be resolved include but are not limited to verification of execution of plan elements while eliminating inconsistencies among inspectors, and avoidance of areas of contention between the inspector and the pipeline operator. This has taken time and it is not for lack of effort by us or by our federal partner.

In short, we are looking for effective PAP plans by the operators within limits of what is practical and affordable. For example, although there have been recommendations that 100 percent of the members in a target audience be reached as part of the education or public awareness effort, we question whether this is achievable in all situations within practical and affordable bounds. A "statistically valid" percentage would be more realistic in some cases, while in others, specific members of a target audience must be sought and educated.

Considering affordability of these plans is also very important. Our State pipeline safety program offices are typically integrated into State commissions, which are responsible for ensuring reliable delivery of the product at reasonable rates. Obviously, highly elaborate PAP plans will place unreasonable burden on rate payers.

With these efforts under way, we need additional time to verify if the existing legislative mandate and its regulatory offspring addressing education and public awareness is working to enhance safety. We believe that this is a good mandate that has already shown positive results by those operators that have been proactive. We have mapped out a plan and a path forward with our federal partner, PHMSA, to ensure such verification within a reasonable amount of time. At this point, added legislative amendments in this area are not warranted and could create additional obstacles in helping operators to implement effective public awareness programs.

Conclusions

Programs mandated by the last three pipeline safety reauthorizations have required and continue to require extensive additional state efforts to address safety in areas that include but are not limited to operator qualification requirements, gas transmission and liquids pipeline integrity, excess flow valve installation, pipeline control room management, distribution system integrity, excavation damage prevention, and education and public awareness communications. These mandates still need a number of years to show their intended results. A hiatus in added legislative mandates would be beneficial by allowing the regulators to focus on the effectiveness of existing mandates without detriment to safety.

Like you, we understand the importance of our mission to the safety of our citizens, energy reliability and continued economic growth of our Nation.

Thank you.

Massoud Tahamtani

Senior NAPSR Member and Past Chairman of The Legislative Committee

Virginia State Corporation Commission

Division of Utility and Railroad Safety

Tyler Building

1300 East Main Street, 4th Floor

Richmond, VA 23219

Phone: 804--371-9264